

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATEO ABARCA-URIOSTEGUI,

Defendant.

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8:07MJ79

ORDER

This matter is before the court on the defendant's Motion to Cancel Taking of Depositions [89] and the government's response thereto [91]. On June 1, 2007, the court authorized the United States to depose several material witnesses. All material witness depositions to be completed by June 22, 2007.

The defendant did not timely object to the government's application [20]. He now argues that the depositions should be cancelled because the Grand Jury will meet the week of June 18, 2007, and it is unknown whether the defendant will be indicted; thus, "taking depositions at this point is moot." Also, the defendant advises he will object to the use of the depositions in lieu of live testimony in the event he is indicted.

Having considered the government's response, the court finds that the defendant's motion should be denied without prejudice to defendant raising the issue of admissibility in future proceedings.

IT IS SO ORDERED.

DATED June 18, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**